

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-18 are pending. Claims 1 and 10 are independent. No claims are amended. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized the Applicants' claim for foreign priority. In view of the fact that the Applicants' claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

Drawings

One (1) sheet of revised Formal Drawings is attached hereto in order to label FIGS. 2(c) and (d) as "Background Art". FIGS. 2(c) and (d) are examples of a conventional device.

Specification Objection

The Examiner has objected to the specification because of informalities. Specifically, in paragraph 2 of the Office Action, the Examiner points out that the cam surfaces and the engaging/disengaging members are apparently identical, and then states that it is not clear why only three will engage first.

In response, the Examiner is respectfully directed to paragraphs [0061], [0063], and [0069] of the specification as originally filed, which disclose a centering operation of the inner ring 40 and the outer ring 37 with respect to each other.

In addition, paragraphs [0060], [0061], and [0063] are amended herein to provide further clarity and to more clearly relate the subject matter in these paragraphs to the operation of the present invention as shown in Fig. 2(b) and the conventional device shown in Fig. 2(d), as originally filed. No new matter is added to the specification by these changes.

In view of the amendments above, reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Itoh et al. (U.S. 5,924,510). This rejection is respectfully traversed.

Applicant respectfully submits, that the combinations of elements set forth in independent claims 1 and 10 as presently written represents a non-obvious and patentable improvement over the references cited by the Examiner, including Itoh et al.

While not conceding to the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 10 is amended herein to recite a combination of elements in a two/four-wheel drive switching device for a vehicle including an odd number of engaging/disengaging means disposed between the drive shaft

and the driven shaft for engagement with and disengagement from opposed surfaces of said drive shaft and said driven shaft to connect and disconnect the shafts.

By contrast, Itoh et al. merely disclose an even number of engaging/disengaging members, and fail to disclose an odd number of engaging/disengaging members as set forth in claims 1 and 10. As describe above, the particular advantages of an odd number of engaging/disengaging members is fully disclosed in the specification. The advantages of the present invention are also shown by comparing Figs. 2(b) and (d).

The advantages of an odd number of engaging/disengaging members are confirmed in the attached Declaration under 37 C.F.R. 1.132, prepared by Mr. Bunzo SEKI, Assistant Chief Engineer, Honda R&D, Ltd.

In view of the arguments above, and the expert statements set forth in the Declaration under 37 C.F.R. 1.132, claims 1 and 10, and the claims depending therefrom are believed to be in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

Obviousness-Type Double Patenting Rejection

Claims 1-18 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,530,447. This rejection is respectfully traversed.

The Examiner asserts that absent criticality with respect to the number of members used, it would have been an obvious design choice to use nine rather than eight members.

As argued above, an odd number of engaging/disengaging members, as set forth in the present invention, provide distinct and critical advantages not disclosed or made obvious by U.S. Patent 6,530,447.

In view of the arguments described above, and as confirmed by the attached Declaration under 37 C.F.R. 1.132, the Applicants respectfully submit the Obviousness-Type Double Patenting rejection is not proper. Therefore, reconsideration and withdrawal of this rejection are requested.

All claims of this application are in condition for allowance.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

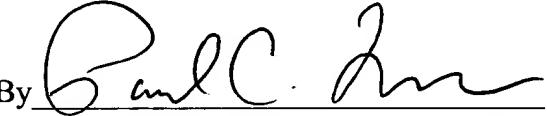
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application and the required fee of \$410.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380 #43,368
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

0505-0769P
JMS/CTT/mua/mlr


Attachment: One (1) replacement drawing sheet
Declaration Under 37 C.F.R. §1.132